

OFF-HIGHWAY MOTOR VEHICLE RECREATION GRANTS AND COOPERATIVE AGREEMENTS PROGRAM PROPOSED REGULATIONS

Text of Modified Regulations

The original proposal is in single underline. Changes are illustrated by double underline for proposed additions and by strikeout for proposed deletions.

4970.01. DEFINITIONS

(jj) "Project" means the activities and Deliverables described in the Project Application to be accomplished with funding, which includes both Grant funds and matching funds, through a Project Agreement.

4970.05. GENERAL APPLICATION REQUIREMENTS

(o) Nonprofit organizations shall provide IRS Form 990 (or something to the equivalent) from the previous year.

Sub article 1. ENVIRONMENTAL REQUIREMENTS

4970.06.1. California Environmental Quality Act (CEQA) Requirements

4970.06.01. (b) (3) Other than from CEQA and NEPA activities no Project Deliverables will be funded until a CEQA review has been completed for the entire Project.

4970.06.1. (c) (1) All city, county, District, State Agency, Educational Institution and Nonprofit organization Applicants shall provide the required documentation for the OHMVR Division to determine that CEQA compliance has been met for each Project. CEQA compliance shall be determined by submitting one of the following for each Project, including match:

4970.06.1. (d) (1) All federal agencies and Federally Recognized Native American Tribe Applicants shall submit an analysis of the environmental impacts of the proposed Project comparable with the requirements of CEQA, including match.

4970.08. ELIGIBLE PROJECT COSTS

4970.08. (b) (13) Equipment

- (A) Equipment purchase or repair shall be requested as part of the Application for a specific Project. The OHMVR Division will not directly fund the purchase of equipment.
1. The OHMVR Division shall only reimburse Grantee for the cost of renting/leasing the Equipment during the performance period (i.e., on a one-year project, the Grantee shall only be reimbursed the equivalent of a one-year rental/lease amount).
 2. If the Grantee chooses to buy the Equipment, funds other than grant funds and/or match shall be used to pay any additional amount over rental/lease cost.
 3. Grantee may apply for additional Equipment funds to further reimburse the cost of purchasing the Equipment during subsequent grant cycles consistent with subsection
 4. The OHMVR Division will only reimburse up to the amount of actual Equipment cost

- ~~(B)~~ Equipment purchase or repair shall be requested as part of the Application for a specific Project.
- ~~(C)~~ (B) Equipment repair shall be due to normal wear and tear and may include major mechanical overhaul or replacement of parts if it is shown by a financial analysis in the Application that repair is more cost effective than the purchase of a new piece of Equipment.
- ~~(D)~~ (C) Equipment shall be used for OHV related purposes unless the Applicant is funding the portion of the purchase price not dedicated to OHV purposes, and
- ~~(E)~~ (D) Subject to 4970.08 (13), For Nonprofit Applicants, the maximum grant request for Equipment purchases shall not exceed \$15,000 per item and the cumulative Equipment purchase total shall not exceed \$30,000 per Applicant.
- ~~(F)~~ (E) The purchase cost of equipment by a Grantee shall be necessary for, materials to, and appropriate for the length of anticipated use for the Project and shall not exceed the minimum requirements necessary to successfully accomplish the Project.

4970.10.4 Acquisition

4970.10.4. (e) (2) With the exception of federal agencies, the Applicant shall cause to be inserted in the acquisition deed or other recorded transfer of title document a condition that the property shall be used for OHV Recreation purposes as defined in these Regulations and that the State of California is granted Power of Termination pursuant to California Civil Code Section 885.010 et seq. providing that, in the event the property is not used for OHV Recreation, title to the property shall be transferred to the State of California. Federal agencies shall agree to use the property for OHV Recreation purposes for a minimum of 25 years; if the property is not used for the purpose of OHV Recreation for 25 years, title of the property shall transfer to the State. Federal agencies, to the maximum extent consistent with federal law, the (Federal Agencies) BLM intends to shall use and manage the property for OHV Recreation in accordance with the controlling (Federal Agencies) Federal Agency's BLM land use plan; if the property is not used for the purpose of OHV Recreation, the (Federal Agencies) BLM will Federal Agencies shall use reasonable efforts to request appropriations necessary to reimburse the Commission State its pro-rata share of the acquisition costs of the property.

Subarticle 1.AUDITS

4970.25.1. Financial Audits Performance Audits Financial Audits of Grantees

4970.25.3. Financial Audit Financial Audits of the Grants and Cooperative Agreements Program